

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-0685V

SONJA JACKMAN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 10, 2024

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.

Alec Saxe, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On January 12, 2021, Sonja Jackman filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”).³ Petitioner alleges that she suffered a right shoulder injury related to vaccine administration (“SIRVA”), a defined Table injury, after receiving an influenza (“flu”) vaccine on November 4, 2020. Amended Petition at 1-2, 9. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

³ More than a year later, on February 18, 2022, she filed an amended petition, containing additional detail and medical record citations. ECF No. 26.

On July 8, 2024, I issued a factual ruling, finding the onset of Petitioner's right shoulder pain occurred within 48 hours of vaccination and Petitioner suffered the residual effects of the right shoulder pain she experienced post-vaccination for more than six months. ECF No. 37; see 42 C.F.R. § 100.3(a) XIV.B. (influenza vaccination); 42 C.F.R. § 100.3(c)(10)(ii) (required onset for pain listed in the Qualifications and Aids to Interpretation); Section 11(c)(1)(D)(i) (statutory six-month severity requirement). On September 6, 2024, Respondent filed an amended Rule 4(c) Report, indicating that he "will not defend the case." Amended Rule 4(c) Report at 2, ECF No. 41. Reserving his right to appeal my fact ruling regarding onset and severity but acknowledging that it is the law of the case for further proceedings (*id.* at 2, 6), Respondent believes "that [P]etitioner suffered SIRVA as defined by the Vaccine Injury Table" (*id.* at 7). He further states that "[b]ased on the record as it now stands and subject to his right to appeal the Findings of Fact, [he] does not dispute that [P]etitioner has satisfied all legal prerequisites for compensation under the Act." *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master